IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

JUDGMENT

SB CIVIL MISC. APPEAL NO.1093/2005
Smt. Ram Devi & Ors. V/s Mohan Singh & Ors.

30.8.2006

PRESENT
HON'BLE MR. JUSTICE P.S. ASOPA

Mr.Manish Jain, for the appellant.

This is an appeal filed by legal representatives of the deceased for enhancement of compensation awarded vide award dated 21.12.2004 in MAC case No.2/2004 passed by MACT, Jaipur City, Jaipur.

The facts, in brief, of the case are that deceased Bodu Ram was going in a Trolly of the Tractor having registration No.PNG 3026 from Dhani Rojwalon Ki to Banskho Phatak. As soon as trolly reached Tibawali Dhani, one mini Truck bearing No. 96-D-10-7825 XNCC, hit the Trolly. As a result of which, Shri Bodu Ram died.

The Claims Tribunal has assessed the age of Bodu Ram as 50 years on the basis of documentary evidence and has not relied on

the oral evidence of the respondents that Bodu Ram was doing the job of gardening the flowers of Rose and selling the same and was earning Rs.10,000/- per month, for want of any documentary evidence. The Claims Tribunal assessed the monthly income as Rs.2100/- and thereafter, worked out dependency of Rs.16,800/- per annum and after multiplying the same by multiplier of 13, the Claims Tribunal awarded Rs.2,18,400/- for loss of income, Rs.75,000/- for future prospects, Rs.10,000 for consortium, Rs.40,000/- for love and affection, Rs.5,000/- for funeral and Rs.1600/- for loss of property. In all Rs.3,50,000/- has been awarded.

The submission of counsel for the appellant is that the income of the deceased has wrongly been determined. Consequently, dependency has wrongly been taken. According to counsel for the appellant, deceased was earning Rs.10,000/- per month.

I have gone through the award of the Claims Tribunal and further considered the submission of counsel for the appellant.

The Claims Tribunal has rightly determined

the income of deceased as Rs.2100/- per month, for want of documentary evidence taking the minimum wages and has further rightly worked out the dependency of Rs.1400/-. In my opinion, the Claims Tribunal has committed no error in assessment of the income of the deceased as well as worked out the dependency.

The appeal fails and the same is dismissed.

(P.S. ASOPA) J.

ummed/-